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RASIER, LLC; and RASIER-CA, LLC

[Additional Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

This Document Relates to:

ALL ACTIONS

Case No. 3:23-md-03084-CRB

**DECLARATION OF DANIEL
CUMMINGS IN SUPPORT OF
DEFENDANTS' STATEMENT IN
SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTIONS TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIALS SHOULD BE
SEALED [ECF Nos. 2088 AND 2090]**

Judge: Hon. Lisa J. Cisneros
Courtroom: G – 15th Floor

DECLARATION OF DANIEL CUMMINGS IN SUPPORT OF DEFENDANTS' STATEMENT IN SUPPORT OF
PLAINTIFFS' ADMINISTRATIVE MOTIONS TO CONSIDER WHETHER ANOTHER PARTY'S MATERIALS
SHOULD BE SEALED [ECF NOS. 2088 AND 2090]

DECLARATION OF DANIEL CUMMINGS

I, Daniel Cummings, having personal knowledge of the following state:

1. I am an attorney at the law firm of Shook, Hardy & Bacon LLP, attorneys of record for Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC, (collectively, “Uber”). I am a member in good standing of the Bars of the States of Missouri, Kansas, and Nebraska. I know the following facts to be true of my own knowledge, except those matters stated to be based on information and belief, and if called to testify, I could competently do so. I respectfully submit this declaration in support of Uber’s Statement in Support of Plaintiffs’ Administrative Motions to Consider Whether Another Party’s Material Should Be Filed Under Seal, ECF Nos. 2088 and 2090, (“Uber’s Statement”).

2. I have reviewed Exhibit A to the declaration of Tiffany Ellis in support of the joint letter brief on Tranche 2 random selection privilege disputes (ECF 2089-1, 2089-2). It is an exhibit containing entries from Uber’s confidential privilege logs for documents at issue in the joint letter brief on privilege disputes submitted pursuant to PTO 20 (ECF 2089). The redacted portions of this document in Exhibit A to Uber’s Statement consist of personal identifying information, namely non-public email addresses of Uber employees on the privilege log. No other information on this exhibit has been redacted. The domain portion of the email addresses (“@Uber.com”) has not been redacted. Under these circumstances, there is no legitimate interest in the public disclosure of non-public email addresses of individual Uber employees. Disclosing this information on a public docket risks these individuals being sent spam and other unsolicited communications they would have not otherwise received, interfering with the effectiveness and efficiency of their communications and work, and potentially presenting other cyber security risks for accounts associated with those email addresses. *Jones v. PGA Tour, Inc.*, 2023 WL 7434197, at *2 (N.D. Cal. Oct. 5, 2023) (“Courts in this circuit routinely seal email addresses and other personal identifying information under the compelling reasons standard due to the potential privacy harm to the individual whose contact information may be exposed.”); *In re Pac. Fertility Ctr. Litig.*, 2021 WL 1082843, at *2 (N.D. Cal. Mar. 12, 2021) (noting

1 that “there are compelling reasons to seal customer names, ... as well as employee email addresses”).
 2 This Court has previously permitted similar redactions of employee addresses on privilege logs. (ECF
 3 2007; ECF 1947)

4 3. I have reviewed Exhibit A to the declaration of Tiffany Ellis in support of the joint
 5 letter brief on Tranche 3 privilege disputes (ECF 2091-1). It is an exhibit containing entries from
 6 Uber’s confidential privilege logs for documents at issue in the joint letter brief on privilege disputes
 7 submitted pursuant to PTO 20 (ECF 2091). The redacted portions of this document in Exhibit B to
 8 Uber’s Statement consist of personal identifying information, namely non-public email addresses of
 9 Uber employees on the privilege log. The domain portion of the email addresses (“@Uber.com”) has
 10 not been redacted. Under these circumstances, there is no legitimate interest in the public disclosure
 11 of non-public email addresses of individual Uber employees. Disclosing this information on a public
 12 docket risks these individuals being sent spam and other unsolicited communications they would have
 13 not otherwise received, interfering with the effectiveness and efficiency of their communications and
 14 work, and potentially presenting other cyber security risks for accounts associated with those email
 15 addresses. *Jones*, 2023 WL 7434197, at *2; *In re Pac. Fertility Ctr. Litig.*, 2021 WL 1082843, at *2.
 16 This Court has previously permitted similar redactions of employee addresses on privilege logs. (ECF
 17 2007; ECF 1947) Also redacted are the “Document Title”, “File Name”, and “Email Subject” fields
 18 (all the same information) for one privilege log entry related to a non-public confidential, internal Uber
 19 pilot program. Courts routinely seal confidential business information under the good cause standard,
 20 such as business plans. *See, e.g., Blockchain Innovation*, 2024 WL 4394758, at *3; *Jones*, 2023 WL
 21 7440303, at *2; *Skillz Platform*, 2023 WL 6135556, at *2. No other redactions were made to this
 22 document.

23 4. I have reviewed the unredacted version of the joint letter brief on Tranche 3 privilege
 24 disputes (ECF 2091). The redacted portions of this document consist of two redactions that reference
 25 confidential information related to a non-public confidential, internal Uber pilot program. Courts
 26 routinely seal confidential business information under the good cause standard, such as business plans.

1 See, e.g., *Blockchain Innovation*, 2024 WL 4394758, at *3; *Jones*, 2023 WL 7440303, at *2; *Skillz*
2 *Platform*, 2023 WL 6135556, at *2. No other redactions were made to this document.

3 5. The disclosure of the above-described documents could harm the privacy interests of
4 these individuals and Uber's competitive standing and legitimate privacy interests. No less restrictive
5 alternative to sealing the un-redacted documents would protect the legitimate privacy interests of Uber
6 employees and Uber's competitive standing and legitimate privacy interests as un-redacted versions
7 of the documents have already been filed on the docket (ECF 2091) or attached to Uber's Statement
8 as Exhibit A and Exhibit B.

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10 I declare under penalty of perjury that the foregoing is true and correct.

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12 Executed on January 21, 2025.

By: /s/ Daniel Cummings

13 Daniel Cummings
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